

A state prisoner challenging the constitutionality of his state conviction may do so by filing a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, petitions challenging a conviction are preferably heard in the district of conviction. See Habeas L.R. 2254-3(a); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968); cf. Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989) (district of confinement best forum to review execution of sentence). Accordingly, this case is hereby TRANSFERRED to the United States District Court for the Eastern District of California. See 28 U.S.C. §§ 1404(a), 2241(d); Habeas L.R. 2254-3.

1 The Clerk shall terminate all pending motions and transfer the entire file to the
2 Eastern District of California.

3
4 DATED: 2/4/2013



EDWARD J. DAVLIA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

IN RE WILLIE GEORGE ERWIN, JR.,
Petitioner,

Case Number CV 12-4699 EJD (PR)

CERTIFICATE OF SERVICE

_____ /

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 2/6/2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) inter-office delivery receptacle located in the Clerk's office.

Willie George Erwin, Jr.
T-64857
CTF
P. O., Box 698
Soledad, CA 93960-0689

DATED: 2/6/2013

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk